



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-10-096 ; or
☐ Expedited Rule Making-Proposed notice was filed as WSR _____ ; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Repeal existing WAC 246-203-120, Disposal of garbage, trash, rubbish, offal, dead animals, and manure, and adopt replacement WAC 246-203-121, Disposal of dead animals.

Hearing location(s): Gladish Community & Cultural Center, 115 NW State Street, Pullman, WA 99163

Submit written comments to:

Name: Ned Therien

Address: PO Box 47990, Olympia, WA 98504-7990

e-mail <http://www3.doh.wa.gov/policyreview/>

fax (360)236-4088 by (date) June 5, 2007

Date: June 13, 2007 Time: 1:30 PM

Assistance for persons with disabilities: Contact

Date of intended adoption: June 13, 2007

(Note: This is NOT the effective date)

Desiree Robinson by June 1, 2007

TTY (800) 833-6388 or (360) 236-4107

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would repeal WAC 246-203-120, Disposal of garbage, trash, rubbish, offal, dead animals, and manure, and adopt new WAC 246-203-121, Disposal of dead animals. The State Board of Health adopted WAC 246-203-120 in 1960, a decade before the Legislature enacted Chapter 70.95 RCW, Solid Waste Management. This rule revision would eliminate portions of the rule that duplicate or conflict with Ecology's solid waste rules. It would add alternatives to those in existing WAC 246-203-120 for the disposal of dead animals. It would also clarify the relationship of the Board's rule with RCW 16.36.092, Duty to bury carcass of diseased livestock, and the Department of Agriculture's new Chapter 16-25 WAC, Disposal of Dead Livestock.

Reasons supporting proposal: This rule is needed to prevent the disposal of dead animals in a manner that causes a public health hazard or nuisance. The rule is needed for the disposal of animals not covered under the requirements of RCW 16.36.092 and Chapter 16-25 WAC, which have applicability limited to diseased livestock. Public health hazards and nuisances could be caused by lack of proper disposal of the carcasses of other types of animals and non-diseased livestock.

Statutory authority for adoption: RCW 43.20.050(2)

Statute being implemented: RCW 43.20.050(2)

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE

4/30/07

NAME (type or print)

Craig McLaughlin

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

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07-10-119

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

This rule would update and replace an existing Board rule without adding a significant regulatory burden to the regulated community or for local health jurisdiction implementation. The Department of Health provides consultation to local health jurisdictions regarding enforcement of the existing Board of Health rule for dead animal disposal.

Name of proponent: (person or organization) State Board of Health

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Ned Therien	State Board of Health, 101 Israel Rd SE, Tumwater, WA 98501	(360)236-4103
Implementation.....Dorothy Tibbets	Department of Health, 243 Israel Rd SE, Tumwater, WA 98501	(360)236-3361
Enforcement..... Dorothy Tibbets	Department of Health, 243 Israel Rd SE, Tumwater, WA 98501	(360)236-3361

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.
 No additional costs are imposed on small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Ned Therien

Address: PO Box 47990, Olympia, WA 98504-7990

phone (360) 236-4103 _____

fax (360)236-4088 _____

e-mail ned.therien@doh.wa _____

☐ No: Please explain:

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WA STATE BOARD OF HEALTH

NEW SECTION

WAC 246-203-121 Disposal of dead animals. (1) Definitions.
For the purpose of this regulation the following definitions apply:

(a) "Burial" means completely covering with soil in a manner and location not requiring a permit for a landfill under chapter 70.95 RCW, Solid waste management--Reduction and recycling.

(b) "Composting" means a process of controlled aerobic decomposition in compliance with chapter 70.95 RCW, Solid waste management--Reduction and recycling.

(c) "Dead animal" means the carcass or tissue from an animal, large or small, except part of an animal used for food or other beneficial purpose in accordance with federal, state, and local laws and regulations. "Dead animal" does not mean a fish or other primarily aquatic animal.

(d) "Incineration" means controlled and monitored combustion for the purposes of volume reduction and pathogen destruction in an enclosed device approved by the department of ecology or the local air pollution control authority under chapter 70.94 RCW, Washington Clean Air Act, and chapter 70.95 RCW, Solid waste management--Reduction and recycling.

(e) "Landfilling" means a process of disposal at a permitted facility where solid waste is permanently placed in or on land in compliance with rules adopted by the department of ecology under chapter 70.95 RCW, Solid waste management--Reduction and recycling.

(f) "Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, or other species according to RCW 16.36.005.

(g) "Natural decomposition" means natural decay on the surface of the ground without cover material.

(h) "Rendering" means heat processing according to requirements under chapter 16.68 RCW, Disposal of dead animals.

(2) Disposal methods.

(a) Within seventy-two hours after death or discovery, the owner of a dead animal or, if the owner of the animal cannot be identified, the owner of the property on which the animal is found must properly dispose of the dead animal. A dead animal must be covered or otherwise removed from public view immediately upon discovery by the person responsible for disposing of the dead animal.

(b) The person responsible for disposal of a dead animal must dispose of it in a manner so as not to become a public or common nuisance or cause pollution of surface or ground water.

(c) The person responsible for disposal of a dead animal must dispose of it by burial, landfilling, incineration, composting, rendering, or another method approved by the local health officer (such as natural decomposition) that is not otherwise prohibited by

federal, state, or local law or regulation.

(d) A person disposing of a dead animal by burial must place it so that every part is covered by at least three feet of soil; at a location not less than one hundred feet from any well, spring, stream or other surface waters; not in a low-lying area subject to seasonal flooding or within a one hundred-year flood plain; and not in a manner likely to contaminate ground water.

(e) A person disposing of a dead animal must not bury or compost it within the sanitary control area of a public drinking water supply source as designated under chapter 246-290 WAC, Public water supplies, or chapter 246-291 WAC, Group B public water systems.

(f) The local health officer may specify the method of disposal for a dead animal if:

(i) The animal died with a communicable disease transmissible to humans; or

(ii) The local health officer considers a public health emergency to exist.

(g) The provisions of RCW 16.36.092 and chapter 16-25 WAC supersede the provisions of this regulation for the disposal of a livestock animal that has died because of disease or unknown cause.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-203-120

Disposal of garbage, trash, rubbish, offal, dead animals, and manure.